

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
CLEVELAND DIVISION

UNITED STATES OF AMERICA,	)	CRIMINAL NO.: 1:21-cr-258
	)	
Plaintiff,	)	
	)	JUDGE JOHN R. ADAMS
vs.	)	
	)	
	)	
JOSHUA GLOWACKI,	)	
	)	
Defendant.	)	

**DEFENDANTS UNOPPOSED MOTION  
TO CONTINUE PRETRIAL MOTION DEADLINE**

AND NOW, comes the Defendant, Joshua Glowacki, by and through his counsel, Friedman & Nemecek, L.L.C., and makes the within Motion to Continue and extend the Pretrial Motion deadline. In support thereof, counsel avers as follows:

1. A Complaint was filed on March 29, 2021, charging the Defendant with receipt and distribution of child pornography in violation of 18 U.S.C. § 2252(a)(2). (Doc. No. 1). The Defendant voluntarily surrendered to the United States Marshal's Office on March 30, 2021, and an initial appearance was held later that day. The Defendant was ordered detained and immediately remanded to the custody Marshal's Office pending a hearing on the issue of bail.<sup>1</sup>

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<sup>1</sup> Magistrate Parker denied the Government's request for detention and ordered that the Defendant be released subject to certain conditions and restrictions. (Doc. No. 12). The Government filed a Notice of Appeal and requested that the Order of release be stayed pending a determination by this Court. (Doc. No. 11). Judge Pamela Barker granted the Government's motion to stay the Defendant's release. (Doc. No. 16). Both the Government (Doc. No. 19) and the defense (Doc. No. 27) submitted pleadings in support of their respective arguments, and a hearing was scheduled for May 3, 2021. (Doc. No. 22). At the conclusion of said hearing, the Court granted the Government's request and ordered that the Defendant be detained during the pendency of the case. (Doc. No. 28).

2. An Indictment was filed against the Defendant on April 16, 2021, alleging the following offenses, *to wit*: one (1) count of receipt and distribution of child pornography in violation of 18 U.S.C. § 2252(a)(2); and one (1) count of possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B). (Doc. No. 20). Defendant appeared with counsel for an arraignment on April 28, 2021 and entered pleas of “Not Guilty” to each of the foregoing offenses.

3. The Court issued an Order scheduling the matter for a pretrial conference on June 15, 2021. (Doc. No. 26). The Order further provided that all pretrial Motions are due to be filed within thirty (30) days after an arraignment. (Doc. No. 26).

4. After the arraignment hearing, defense counsel served its discovery request on the Government. On or about May 12, 2021, Assistant United States Attorney Michael Sullivan (“AUSA Sullivan”) provided counsel with the Government’s initial discovery response.

5. AUSA Sullivan also filed a Motion with the Court requesting that the search warrant and accompanying Affidavit be unsealed. (Doc. No. 31). The Court granted said request on May 14, 2021. (Doc. No. 32). AUSA Sullivan sent counsel the search warrant materials on or about May 19, 2021.

6. The undersigned submits that the documents provided by AUSA Sullivan are voluminous and include not only written reports by agents involved in the investigation, but also electronic reports and evidence in connection with forensic examinations that were conducted on various devices seized from the Defendant’s residence. Counsel is still in the process of reviewing these discovery items. After completing its review of the evidence, the undersigned intends to meet with the Defendant to discuss the same.

7. Likewise, due to federal restrictions on the dissemination of child pornography materials, counsel will need to make arrangements in order to review the actual images and videos contained on the Defendant's electronic devices.

8. Counsel submits that a continuance of the pretrial motion deadline is needed in order to review the discovery materials and to prepare any pretrial motions that may be warranted. Reviewing the evidence and consulting with the Defendant are essential to a determination as to the existence and viability of any potential defenses to the allegations, including whether certain pretrial motions are warranted and/or necessary. Because these tasks cannot be completed prior to the current deadline, the undersigned requests that the Court continue the pretrial motion deadline for an additional thirty (30) days.

9. In light of the complexity of this case, the voluminous discovery materials and the need for further review and investigation, it is respectfully submitted that additional time is needed and that the ends of justice are served in granting this request. The Defendant thus acknowledges that the extension of time caused by this continuance constitutes excludable delay under the Speedy Trial Act, 18 U.S.C. § 3161, *et. seq.* Furthermore, counsel submits that Defendant's right to due process of law and effective representation outweigh the best interest of the public and the Defendant to a speedy trial, 18 U.S.C. § 3161(h)(7)(A), since, for the reasons stated herein, the failure to grant such continuance would deny counsel for Defendant reasonable time necessary for effective preparation, taking into account the exercise of due diligence, 18 U.S.C. § 3161(h)(7)(B)(iv).

10. The Defendant and counsel have discussed the foregoing rights as well as counsel's intent to file the instant Motion. During those discussions, the Defendant expressly consented to requesting a continuance of the pretrial motion deadline. The undersigned will obtain written verification of the Defendant's consent and file the same as a supplement to this Motion should this Honorable Court so require.

11. The Defendant respectfully submits that the instant continuance is sought for the above-stated reasons and not for purposes of undue burden or delay. Moreover, the undersigned maintains that Defendant is not at fault in causing any delay. Since the arraignment, the undersigned has worked diligently in its representation of the Defendant. Counsel promptly served the Government with a request for discovery and has been reviewing the materials that were recently provided by the Government. Counsel will continue to make all reasonable efforts to expedite this litigation, including preparing and filing any pretrial motions in a timely manner.

12. The undersigned has discussed the instant request with AUSA Sullivan, who indicated that the Government does not oppose a continuance of the pretrial motion deadline.

13. Therefore, the Defendant respectfully requests that the Court continue the pretrial motion deadline for a period of thirty (30) days.

**WHEREFORE**, the Defendant, Joshua Glowacki, hereby respectfully requests that this Honorable Court continue the presently scheduled pretrial motion deadline so as to allow counsel the opportunity to obtain and adequately review the evidence, discuss the same with the Defendant, and prepare any pretrial motions that may be warranted in this case.

Respectfully submitted,

JOSHUA GLOWACKI  
By counsel

Dated: May 26, 2021

/s/ Eric Nemecek

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ERIC C. NEMECEK (0083195)  
Counsel for Defendant  
Friedman & Nemecek, L.L.C.  
1360 East 9<sup>th</sup> Street, Suite 650  
Cleveland, Ohio 44114  
P: (216) 928-7700  
F: (216) 820-4659  
E: [ecn@fanlegal.com](mailto:ecn@fanlegal.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion was filed by CM/ECF on the 26<sup>th</sup> day of May, 2021, which will send a notification of such filing electronically to the following: Michael A. Sullivan, Assistant United States Attorney, 801 Superior Avenue, Cleveland, OH 44113.

Respectfully submitted,

/s/ *Eric Nemecek*

ERIC C. NEMECEK (0083195)

Counsel for Defendant